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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,023	01/25/2001	Minoru Kouda	ISH1-BB63b	7255

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PRICE AND GESS  
Ste. 250  
2100 S.E. Main St.  
Irvine, CA 92614

EXAMINER

NGUYEN, THUKHANH T

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 06/05/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/770,023

Applicant(s)

KOU DA ET AL.

Examiner

Thu Khanh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-44 and 47-55 is/are pending in the application.
- 4a) Of the above claim(s) 40-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-39 and 47-55 is/are rejected.
- 7) ☒ Claim(s) 33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 49 and 54-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 49 can't be depended on itself, claim 49. Claims 54 and 55 are depended on non-exited claim 56. For purpose of examination, claim 49 is assumed to be depended on claim 48, claim 54 is depended on claim 53, and claim 55 is depended on claim 54. Clarification and/or correction are needed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-32, 35-39 and 47-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ribordy et al (5,036,581) in view of Korsch (4,057,381).

Ribordy et al disclose an apparatus for casing dry cell battery, comprising a rotary disk (Fig. 10, 53), a plurality of molding units (20) mounted on the rotary disk at spaced circumferential locations, wherein each of the molding units including a cylindrical die (68), a

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lower plunger (70) concentric with the die, an upper plunger (58), and a central pin (72) concentric with the lower plunger (70); a plurality of actuators (62, 64, 74, 76) for controlling the movement of the plungers and the central pin; a feed station (84) for loading powder material (40) into the die.

The apparatus further comprises a plurality of operating units (60) provided respectively to each of the plurality of molding units (58, 68, 70, 72) and moved along a concentric path with the molding units, for transferring and positioning a case (30) above and in alignment with the die (68) of each of the molding unit; and an insertion assembly (Figs. 4-8) including the plungers and the central pin for inserting the pellet material into the case (30), a feeding device (120) for supplying the cases (30) to the molding units, and a knock-out means (100) for removing the filled cases to a receiving system (col. 9, lines 31-33). The actuators includes actuating devices connected to cam followers which revolve on cam tracks to control the vertical movement of the plungers and the central pin of molding units (col. 5, lines 54-59).

Ribordy et al, however, fail to disclose a pair of rollers provided at plurality of locations for pressing the plungers.

Korsch disclose a rotary press, comprising a rotary die plate (2), a plurality of pressing units includes upper and lower punches (11, 5), a center pin (12) concentric with the lower punch, a plurality pair of pressure rollers (9, 10 and 25-27), a plurality of loading units (6-8, 13-14), a first rotary cam (28-30) for lifting up the center pin and the lower punch, a second stationary cam (32), a conveyor jigs (Fig. 2), a cylindrical container (23) for supplying the powder material to the dies.

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It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Ribordy et al by providing a plurality pair of pressure roller for pressing the plungers as taught by Korsch, because the pressure rollers would be able to apply a bigger pressing force on the plungers than other means; thus, the pressing rollers would improve the compression of the powder material in the die cavity.

### ***Allowable Subject Matter***

5. Claims 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to teach or suggest each of the operating units comprises an operating lever (Fig. 8, 135) connected to the cam followers, a support arm (127) connected to the operating lever and rotatably supported on the rotary disk, a case holding means (126) mounted on the supporting arm, and a convey jig detachably supported on the case holding means for supporting the case.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 29-39 and 47-55 have been considered but are moot in view of the new ground(s) of rejection.

Ribordy et al disclose a machine for pressing and casing powder material into dry cell battery. The apparatus includes a plurality of molding units with upper and lower punch (58, 70), a central pin (72) for forming an annular space within a die (68); feeding means (84), means

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(120, 60) for providing and holding battery cases (30) in corresponding with the dies, and means (the molding units) for forming the pellet into the case, means (53) for rotating the molding units and the cases through different stations such as feeding station, inserting station and pressing station; and means for carrying out the filled cases (col. 9, lines 30-33).

Korsch discloses a rotary powder press with a plurality of pressing roller for applying pressure to the upper and lower punches to compact powder material in the die cavities.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN  
May 31, 2003

  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300, *me*  
*6/2/03*